**Section 8.2030 Emergency Procurements**

a) Authority to Make Emergency Procurements. The provisions of this Section apply to every procurement over the small purchase limit set in Section 8.2020 made under emergency conditions. The CPO shall have the authority to make emergency procurements when an emergency condition arises and the need cannot be met through normal procurement methods.

b) Statutory Emergency Conditions exist:

1) if there exists a threat to public health or public safety;

2) when immediate expenditure is needed for repairs to State property in order:

A) to protect against further loss or damage to State property;

B) to prevent or minimize serious disruption in critical State services that affect health, safety, or collection of substantial State revenues; or

C) to ensure the integrity of State records.

c) Scope of Emergency Conditions. CDB shall provide the CPO a detailed written description of the basis for the emergency and reasons for the selection of the particular contractor to be included in the contract file in accordance with Section 20-30(a) of the Code. Emergency procurement shall be limited to the supplies, services, construction or other items necessary to meet the emergency need (i.e., the temporary solution). Under certain situations, the temporary solution may also be the permanent solution when doing so is shown to be in the best interest of the State. In this event, the notice shall describe that circumstance.

d) Source Selection Methods

1) CDB will employ as much competition as is practicable under the emergency circumstances to address the emergency situation, as approved by the SPO.

2) When practicable, a minimum of three vendors approved by the SPO shall be evaluated for award of an emergency contract. Documentation of efforts made to obtain competition shall be made part of the procurement file.

e) Determination and Record of Emergency Procurement

1) Determination. The SPO shall make a written determination confirming or denying the basis for the emergency and the reasons for the selection of the particular vendor. These determinations shall be kept in the procurement file.

2) Emergency Contract Award. For purposes of an emergency contract, an emergency contract is awarded on the earlier of the date an agency communicates to a vendor to start work, date of publication in the Illinois Procurement Bulletin identifying the vendor of the required goods or services, or the date the contract is signed by both parties.

3) Vendor Authorization. Unless impractical, no work shall be performed by a vendor under the jurisdiction of the CPO without the prior written authorization of the SPO.

4) Record. A written explanation and affidavit of each emergency procurement (including extensions of emergency contracts beyond 90 days) shall be submitted to the CPO by CDB within 5 days after an emergency contract is awarded (see Section 8.2030(e)(2)). The CPO will submit the explanation and affidavit to the Auditor General and the PPB within 10 days after award and shall include the following information:

A) the vendor's name;

B) the amount and type of the contract (if only an estimate of the amount is available immediately, the record shall be supplemented with the final amount once known);

C) a description of what the vendor will do or provide;

D) the conditions and circumstances requiring use of the emergency method of source selection, including the cost and advantages and disadvantages of reasonable alternatives to the emergency procurement;

E) the expected duration of the contract;

F) the expected or anticipated need for other contracts that might be necessary to completely address the emergency conditions;

G) an analysis of how a competitive selection may or will be structured to address a permanent solution to the condition prompting the emergency; and

H) such other information as may explain the emergency procurement or as may be requested by the SPO.

5) Notice of the Emergency Procurement. Notice of the emergency procurement shall be published in the Bulletin by the SPO as specified in Sections 15-25(c) and 20-30 of the Code no later than 3 business days after the contract is awarded and shall include a description of the procurement, identification of the contractor, the reasons for the emergency procurement, the names of the responsible CPO and SPO, and the total cost. When only an estimate of the total cost is known at the time of publication, the estimate shall be identified as an estimate and published. When the total cost is determined, it shall also be published in like manner before the 10th day of the next succeeding month.

6) CDB shall be responsible for preparing the filings required in Section 20-30 of the Code.

f) Duration and Replacement of Emergency Contract. By statute, the term of an emergency purchase shall be limited to the time reasonably needed for a competitive procurement, not to exceed 90 days. Therefore, unless the purchase or the temporary nature of the emergency conditions are likely to resolve the emergency or otherwise make unnecessary the emergency measures, CDB shall immediately act to initiate whatever competitive procurement is appropriate to provide the services on a longer term basis or, in the case of a temporary solution, is necessary to acquire the permanent solution.

g) Extension of Emergency Contract. An emergency contract may be extended beyond 90 days if the CPO determines additional time is necessary and the contract scope and duration are limited to the emergency.

1) If CDB believes an extension beyond 90 days is necessary, it shall direct an extension request to the SPO for approval. The request shall be in writing and include justification for the extension and a description of the efforts of CDB and, if appropriate, the using agency to address the emergency condition on a permanent basis.

2) If the SPO approves, the SPO shall submit the request to the CPO with a written approval and justification for that approval. Unless the CPO disapproves the request, the CPO shall hold a public hearing on the extension, notice of which shall be published in the Bulletin no later than 14 days prior to the hearing. Notice shall include at least a description of the need for the emergency extension, the contractor, and, if applicable, the date, time and location of the public hearing.

3) The public and any representative of the PPB may present testimony at the public hearing, which shall be conducted in accordance with Subpart T. Only after the hearing and the CDB providing written justification, may the CPO allow the emergency contract to be extended. The notice of hearing and all hearing documents, including the written justification, must be posted on the Bulletin as soon as possible but no later than 3 days after the hearing.